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South Carolina House of Representatives

*J. Johnson*  
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# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

The House amended and gave third reading to H.3710 which provides new requirements for driving regulations. Under the bill, anyone, regardless of age, who has never previously had a license to drive must first obtain a driver's permit prior to full licensure.

A person must be 15 years of age to obtain a beginner's permit, must have a parent or guardian sign the application and must pass a written test. Restrictions include daylight operations only and the driver must be accompanied by an adult 21 years of age or over with at least one year's driving experience. A permit holder may operate a motor scooter during daylight.

To be eligible for a provisional license, a person must be at least 15 years of age and less than 16 years of age and must have received a high school diploma or be enrolled in school. Applicant must have a parent or guardian sign the application and must have held a beginner's permit for at least 90 days, must pass a road test, and must successfully complete an approved driver's education course. Restrictions allow for daylight operations alone, with the exception provided for farm tag trucks (daylight hours extended until 9 pm), night operations with adult 21 years or older (until midnight), and daylight operations of motor scooter.

To obtain a Special Restricted license a person must be at least 16 years of age, and less than 17 years of age, must have passed a road test, and must have previously held a beginner's permit for at least 90 days. The special restricted license is valid between 6am-6pm or daylight savings hours of 6am-8pm. During nighttime hours the driver must be accompanied by a licensed adult 21 years of age or older. Modifications to or waiving of these restrictions are authorized under certain conditions. Applicants for a Special Restricted license are not required to have passed driver's education.

Between 16 and 17 years of age, the holder of a special restricted license may obtain a route restricted license that enables the holder to operate a vehicle during nighttime hours, no later than midnight. The restrictions may be modified by the department under certain conditions regarding school and/or employment. These conditions are specified in the bill. A statement of purpose for waiver or modification of restrictions must be executed by the holder's parents or legal guardian, in addition to evidence from the employer or school.

The bill also includes a "zero tolerance" provision which prohibits a driver under the age of 21 from operating a motor vehicle with any measurable level of alcohol in his system. Measurable is defined as two one-hundredths of one percent or more by weight of alcohol in the person's blood. First offense violation of this provision will result in a penalty of ten hours in an Alcohol and Drug Safety Action (ADSAP) program. Second and subsequent offenses will

result in suspension of driving privileges for one year. Also, if six or more points are assessed against the holder of a beginner's permit or a restricted license, then the license is suspended for six months.

The House also amended gave third reading to H.3823 which provides that other states which are parties to the Driver License Compact must provide this state with the reports of convictions of South Carolina drivers which occur in their jurisdictions within one year of the time of conviction. Reports of convictions made after the one year deadline will not be entered against the driver's record.

S.262 was enrolled for ratification. The bill eliminates the provision that only one special Shriner License Plate may be issued to a Shriner. The House gave third reading to H.3341 which provides for the issuance of special license plates for members of the Sons of Confederate Veterans.

## SENATE

The Senate further amended S.70, which had returned from the House with amendments adopted by that body. S.70 requires any retired justice or judge appointed by the Chief Justice to serve in the state's courts to have been found qualified by the Judicial Merit Selection Commission within four, rather than two years. The House amendment allows a retired judge to postpone an irrevocable decision to practice law. The Senate amendment adds to the bill by expanding the authority of standing committees of the House and Senate to issue subpoenas and subpoenas duces tecum.

Present law allows the issuance of subpoenas to state agencies, political subdivisions and their representatives. The Senate amendment expands those who are subject to such subpoena to include "any person or entity." The Senate amendment also authorizes standing committees of the House and Senate to issue subpoenas on behalf of their joint subcommittees. Standing committees may already issue subpoenas on behalf of their subcommittees.

Third reading was given to S.203, which requires every passenger van owned or operated by a local chapter of the National Federation of the Blind to be insured for minimum automobile insurance coverages at the same standard rates as any comparable fifteen passenger church bus. S.277, making a third or subsequent offense of ill-treatment of an animal a felony, also received third reading. In addition to the change in classification, S.277 increases the maximum imprisonment for a third or subsequent offense from two to five years, the maximum fine from two to five thousand dollars, and authorizes both a fine and imprisonment. For a first offense, S.277 increases the maximum fine from four hundred to five hundred dollars and allows both a fine and imprisonment. Torturing, cruelly killing and inflicting excessive or repeated and unnecessary pain or suffering upon an animal is also made a felony, with maximum imprisonment increased from two to five years.

The Senate read for the third time S.380, which provides the director of the insurance department an alternative remedy by which he may halt the unauthorized transaction of



insurance business. Presently, the director may file a complaint in the Richland County court of common pleas seeking a restraining order and an injunction. As an alternative, S.380 allows the Insurance Department director to issue an emergency cease and desist order when he has reasonable grounds for believing a violation has or is about to occur and the public health, safety, or welfare will be adversely impacted. The cease and desist order may be contested at a public hearing before an administrative law judge. The administrative law judge may stay the emergency cease and desist order upon appropriate terms, but a stay may be accompanied by a requirement that bond be posted. If a public hearing is not requested within a specified time period, or, after a public hearing, the administrative law judge finds the person to have violated the law, the administrative law judge must make the cease and desist order permanent. The administrative law judge may also impose a penalty of up to fifty thousand dollars for each violation, if he determines that the person engaged in the unauthorized transaction of insurance business knew or should have known his actions violated the law. If a person violates a permanent cease and desist order, the circuit court may order the violator to pay an additional penalty of up to twenty-five thousand dollars for each violation.

Other bills receiving third reading were S.124, which allows a patient, who is enrolled in a managed care health insurance plan and receives a referral from a primary care physician to a dermatologist, to see the in-network dermatologist for a minimum of six months or four visits (whichever occurs first) without any further referral, provided the visits are for diagnosis, medical treatment, or surgical treatment of the referral problem or related complications, and S.315, which revises the number of persons who may witness an execution, so as to allow as witnesses two representatives of the victim's family, rather than two citizens, and the solicitor or assistant solicitor of the county where the offense occurred.

S.329, which relates to lease purchase or financing agreements subject to constitutional debt limits, also received third reading and was sent to the House. This bill establishes and defines an "enterprise charge," which is a fee or tax imposed by one or more governmental entities, the proceeds of which may only be used for limited purposes which are delineated in the bill. The bill also establishes and defines a "refinancing agreement," which is any agreement(s) that would be a financing agreement except that it refinances an asset acquired under the terms of a contract that is not a financing agreement solely by virtue of being dated prior to January 1, 1996; and the sum of all payments to be made under such agreement is less than the sum of the payments under the contract(s) it finances.

## JOINT ASSEMBLY

On Wednesday, April 9, the House and Senate met in Joint Assembly for the purpose of electing court of appeals judges, circuit court judges, and an administrative law judge. The Honorable William T. Howell was elected Chief Judge, Court of Appeals, Seat 5. The Honorable Jasper M. Cureton was elected Court of Appeals Judge, Seat 6. The Honorable Costa M. Pleicones was elected Circuit Court Judge, Fifth Judicial Circuit, Seat 3. The Honorable A. Victor Rawl was elected Circuit Court Judge, Ninth Judicial Circuit, Seat 3. The Honorable Larry R. Patterson was elected Circuit Court Judge, Thirteenth Judicial Circuit, Seat 2. The Honorable Jackson Gregory was elected Circuit Court Judge, Fourteenth Judicial Circuit, Seat 1. The Honorable David H. Maring Sr. was elected Circuit Court Judge, Fifteenth



Judicial Circuit, Seat 2. The Honorable Paula H. Thomas was elected Circuit Court Judge, At-Large, Seat 1. The Honorable R. Markley Dennis, Jr. was elected Circuit Court Judge, At-Large, Seat 2. The Honorable Malcolm Duane Shuler was elected Circuit Court Judge, At-Large, Seat 3. The Honorable Joseph J. Watson was elected Circuit Court Judge, At-Large, Seat 4. The Honorable Gary E. Clary was elected Circuit Court Judge, At-Large, Seat 5. The Honorable James E. Lockemy was elected Circuit Court Judge, At-Large, Seat 6. The Honorable H. Dean Hall was elected Circuit Court Judge, At-Large, Seat 7. The Honorable Paul E. Short was elected Circuit Court Judge, At-Large, Seat 8. The Honorable L. Henry McKellar was elected Circuit Court Judge, At-Large, Seat 9. The Honorable James L. Barber, III was elected Circuit Court Judge, At-Large, Seat 10. The Honorable Stephen P. Bates was elected Administrative Law Judge, Seat 2.

## COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The Wildlife Subcommittee gave a favorable recommendation to H.3647. The bill provides that on the Edisto, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers, live nongame fish may be used with single-barbed set hooks that have a shank-to-point gap of 1-3/16 (one and three-sixteenths) inches or greater. The subcommittee amended and adopted H.3756, a bill requiring black sea bass to be processed, marketed, and sold with the head and tail intact. The amendment states that it is unlawful to take, possess, or offer to sell a black sea bass of less than ten inches in total length. The subcommittee also amended and adopted H.3807, which revises the open season for taking antlered deer in Game Zones 1, 2, and 4 and provides that the Department of Natural Resources has the authority to establish the methods for hunting and taking of deer and to set restrictions on hunting and taking deer.

The Environmental Affairs II Subcommittee gave a favorable recommendation to H.3623, a bill amending the Solid Waste Policy and Management Act by distinguishing between "collection", "disposal", "processing", and "recycling" related to facilities managing waste tires. The bill also revises the tipping fee on oversized waste tires, refines the retailer-wholesaler refund program, and makes other changes concerning waste tire management. The subcommittee also approved H.3771, a bill amending several sections of the code relating to the purposes and uses of the Superb Account and the Superb Financial Responsibility Fund. The bill clarifies that the Fund may pay claims directly for bodily injury and property damages caused by releases from underground storage tanks containing petroleum or petroleum products. S.360 also received subcommittee approval. This bill establishes the Drinking Water Revolving Loan Fund, requires the State to make a biennial report to the E.P.A. concerning the Drinking Water Revolving Loan Fund, brings the State's laws into compliance with the federal Safe Drinking Water Act, and adds additional powers to the S.C. Water Revolving Fund Authority.

## EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee considered three bills. H.3415, which would increase from twenty to twenty-four the number of credits required to receive a high school diploma, received a favorable report with amendments. Amendments included striking the provision providing that students who earn one unit in science and six or more units in a specific occupational service area will meet the science requirements for a diploma, and that vocational programs operating on a 3-2-1 structure may count prevocational education as one of the six required units; and an amendment adding a provision that for the purpose of calculating program membership, a high school pupil shall maintain membership in a minimum of 250 minutes of daily instruction or its equivalent for an annual accumulation of 45,000 minutes, and that the State Board of Education (in order to offer students more instructional time in a particular basic skill) may allow adjustments in the amount of instructional time required in each of the subjects in the State's defined minimum program. H.3461, which allows parents and certain other volunteers to ride school buses under certain conditions, received a favorable report with amendments. The amendments provide: that the maximum number of authorized adults per bus is limited to four; that parents and certain others may ride school buses in conjunction with special programs that are sponsored by the local school district; and that the use of these buses by authorized adults shall be in accordance with local school district board policies and programs and the State is not responsible for any associated costs. The committee also struck the requirement in the bill which authorized persons, prior to riding the bus, to execute a "covenant not to sue" the State, and struck a provision which required the State Department of Education to promulgate regulations necessary to implement the provisions of the bill. H.3594, which provides that annual school district programmatic reports to district parents and constituents must be provided on December 1 rather than on November 15, was reported favorably with amendments. The amendments strike all after the enacting words and insert language which: deletes the current requirement that the school districts of the State shall annually provide the State Department of Education with two copies of its (the District's) annual budget; and adds a provision that the currently required audit report of each district must be provided to the State Department of Education by December 1 following the close of the fiscal year. S.361, a joint resolution concerning requirements for participation in interscholastic activity, was amended to provide that the SC High School League is authorized, under certain conditions, to grant waivers concerning requirements for participation in interscholastic activity. H.3310, which provides that certain employees of the Department of Transportation are exempt from state employee grievance procedures, received a majority favorable, minority unfavorable report. The committee adjourned debate on H.3566, which concerns unsafe railroad-owned bridges for motor vehicles over a railroad track.

The Education and Public Works subcommittee adjourned debate on H.3270, which provides that careless driving is a one point violation. The subcommittee also adjourned debate on H.3697, which requires that the name of the county in which a vehicle is registered and property taxes are paid must be placed on license plates, and which prohibits slogans or logos on license plates. H.3652, which requires that school buses owned or operated by private schools must conform to certain state requirements, received a favorable recommendation with an amendment clarifying language in the bill. The subcommittee also gave a favorable



recommendation to S.38, which requires the SC Highway Patrol to transfer the service revolver of an active duty trooper killed in the line of duty, to the trooper's surviving spouse at no charge, once the sidearm has been rendered inoperable.

The Higher Education subcommittee adjourned debate on H.3305, which imposes a 25% surcharge on students who take more than a certain number of credit hours to complete a degree at any state-supported college or university of this State.

The Primary Education subcommittee considered two bills. S.416, which concerns the manner in which school principals are evaluated and provided developmental training, received a favorable recommendation. The subcommittee adjourned debate on H.3424, which requires that students in grades 9-12 have an overall "C" average and meet certain other requirements in order to participate in interscholastic activities.

The Highway General subcommittee adjourned debate on H.3396, which provides that the Department of Public Safety shall issue biennial license plates and revalidation decals and shall give a motor vehicle owner a license plate or revalidation decal for the tax year to which personal property taxes and biennial fees have been paid. Current law provides that the Department of Public Safety issue the plates and decals to the county treasurer or tax collector, which then issues the plates and decals to the motor vehicle owner. The subcommittee gave a favorable recommendation to H.3589, which provides for the issuance of "Lake Murray" license plates.

## JUDICIARY

The Judiciary Committee reported favorably on H.3586 which establishes a two-tiered system for the state's appellate courts in which the Court of Appeals is charged with the responsibility of deciding most appeals from circuit and family courts. Certain appeals, such as death sentences, challenges to constitutionality, public utility rates, etc. are routed directly to the Supreme Court, as specified in statute. The Supreme Court is positioned to review appeals which involve novel or important issues. The committee reported favorably on H.3593 which provides that state residents who are victims of terrorism committed outside the United States may apply for benefits with the Victim's Compensation Fund. The committee gave a report of favorable with amendment to H.3585 which provides that the South Carolina Tort Claims Act is the exclusive remedy for any tort committed by a government employee acting within the scope of his official duties. The provision is to be liberally construed in favor of limited liability with ambiguity to be resolved in the favor of the government. The committee gave a report of favorable with amendments to a bill designed to penalize those who sell merchandise, such as tee shirts, with indecent images or messages. H.3291, with amendments, makes it a misdemeanor to disseminate, sell, or distribute indecent material to minors or to display indecent material in areas likely to be frequented by minors. Offenders are tried in magistrate's court with a first offense carrying a prison term of not more than thirty days and/or a fine of not more than five hundred dollars; a second or subsequent offense carries a prison term of not more than three years and/or a fine of not more than three thousand dollars. Additionally, maximum penalties are increased for felonies of disseminating obscene materials to minors. An amendment specifies that the provisions do not apply to audiovisual works, sound recordings,



newspapers, or bound literary works. The committee gave a report of favorable with amendment to H.3449 which provides that an individual is guilty of a misdemeanor who views, photographs, films, or videotapes an unconsenting person in a state of undress in any setting where that person might have a reasonable expectation of privacy. The bill covers such settings as dressing rooms, locker rooms, restrooms, and tanning booths. A violator is subject to a fine of up to five hundred dollars and/or a prison term of up to three years. Surveillance conducted by law enforcement officers, private investigators, and corrections officials is exempted. The Committee gave a report of favorable with amendment to H.3403 which enhances protection of trade secrets during litigations by requiring litigants to demonstrate their need for release of trade secrets in order to obtain release of that information. The bill also creates criminal penalties for the misappropriation of trade secrets and codifies the common law distinction between a trade secret agreement and a covenant not to compete. The committee gave a report of favorable with amendment to H.3603 which broadens the category of individuals who may be held responsible for child endangerment/abandonment to include individuals who do not have legal custody of a child, but do have recurring access. The bill also makes it unlawful to place a child in a situation that would likely lead to abandonment. The committee gave a report of favorable with amendment to H.3421 which provides that it is a misdemeanor to knowingly make a false report of child abuse or neglect, punishable with a five thousand dollar fine, imprisonment for up to ninety days, or both. The committee reported favorably on S.292 which provides that the State Law Enforcement Division shall collect and maintain concealable weapon application, renewal and replacement fees for the administration of the "Law-Abiding Citizens Self-Defense Act of 1996." Maximum sizes for concealable weapon permits are specified. The committee reported favorably on H.3506 which authorizes the Department of Health and Environmental Control to relocate the coastal division within the agency organizational structure, so long as the coastal division continues as an organizational unit and is located at or above the level of a bureau. The Committee reported favorably on S.77 which provides that when a counterclaim is filed with an initial claim in magistrates' court which would, if successful, exceed the magistrates' civil jurisdictional amounts, both the initial and counter claims must be transferred to the court of common pleas. The Committee reported favorably on H.3193 which provides that the theft of a firearm is grand larceny punishable by a prison sentence of up to one year or a fine the amount of which is left to the court's discretion.

The committee recommitted to the Election Laws Subcommittee H.3469 which authorizes a county board of registration to make use of means of voting by absentee ballot other than paper ballot. The committee tabled H.3507 which provides that statements of intention to run as a candidate for the General Assembly must be filed with the county election commission rather than the county executive office of the appropriate political party.

The General Laws Subcommittee gave a favorable report to H.3628 which requires a court to order that the name and other identifying information of a defendant who is convicted of or pleads guilty or *nolo contendere* to offenses which involve sexual or physical abuse of a child be entered into the Central Registry of Child Abuse and Neglect maintained by the Department of Social Services. At any time following a report of child abuse or neglect, DSS is authorized to petition a family court for an order directing that a person named as perpetrator be entered into the Central Registry. DSS must seek such a court order when it finds that there is a preponderance of evidence that a perpetrator committed sexual abuse. Information on less clear-cut cases where there is a preponderance of evidence that a child was abused and some evidence that the subject of the report was the perpetrator may be retained by DSS



outside of the Central Registry as a Category II unfounded report. The subcommittee gave a report of favorable with amendment to H.3770 which authorizes the Department of Social Services to establish, in one region of the state, a child protective services pilot program which allows the Department to divert less serious child abuse and neglect cases to an assessment track rather than following normal protocol. A subcommittee amendment provides that the region may include up to three counties. The subcommittee gave a report of favorable with amendment to concurrent resolution H.3744 to establish a study committee for the purpose of recommending legislation concerning drug impaired infants and the treatment methods, commitment procedures, and prosecution of the mothers of such infants. The subcommittee gave a report of favorable with amendment to H.3786 which authorizes a judge or magistrate to carry a concealable weapon anywhere within the state upon successful completion of a State Law Enforcement Division firearms training course. The subcommittee amendment lists the judicial positions to which the legislation applies. The subcommittee gave a report of favorable with amendment to H.3546 which revises scheduling for certain mandatory investigations and hearings which must follow the placement of a child in emergency protective custody. The Department of Social Services must conduct a preliminary investigation within ninety-six (rather than seventy-two) hours from the time a child was taken into emergency protective custody to determine whether legal custody should be assumed. A family court probable cause hearing must be conducted within ninety-six (rather than seventy-two) hours of the time when the child was taken into emergency protective custody. Subcommittee amendments eliminate emergency physical custody and afford DSS more time where a background check must be performed or a relative is unavailable for an interview. The subcommittee gave a report of favorable with amendment to H.3369 which provides that an individual under the age of twenty-one who purchases or possesses alcohol as an undercover agent for state or local law enforcement must not be charged with the violation.

The Special Laws Subcommittee gave a report of favorable with amendment to H.3677 which revises the South Carolina Uniform Securities Act so as to bring the state into conformity with the National Securities Market Improvement Act of 1996 and provide for certain other changes.

The Constitutional Laws Subcommittee gave a report of favorable with amendment to H.3383 which allows reasonable attorney fees to be recovered in a contested administrative proceeding where the state or political subdivision is not the prevailing party. A subcommittee amendment provides that the procurement panel may award attorney fees if the non-governmental party does not win.

The Criminal Laws Subcommittee gave a favorable report to H.3408 which increases the pretrial intervention application fee from fifty dollars to one hundred dollars. Aggregate fees for pretrial intervention application and participation are raised from three hundred dollars to three hundred fifty dollars. The subcommittee reported favorably on S.226 which pertains to first offenses (with certain exceptions) in magistrate's or municipal court and allows an individual to have his criminal record expunged even if the conviction occurred prior to effective date of the pertinent code section, June 1, 1992. The subcommittee gave a favorable report to S.60 which establishes a procedure by which a driver's license may be reinstated for an individual whose license has been revoked for five offenses involving driving under the influence, other than a felony offense. A circuit court may reinstate an individual's license if that individual: (1) has not been convicted of an alcohol or drug violation during the previous

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seven years, (2) has completed successfully an alcohol or drug treatment program, (3) evinces an overall driving record, character, and habits which indicates he will operate a vehicle safely. The subcommittee gave a report of favorable with amendment to H.3094 which makes it a felony to assault an emergency medical service provider, firefighter, or home health care provider. A subcommittee amendment provides that an offense is punishable with a prison term of up to ten years and/or a fine of not less than one thousand dollars and not more than ten thousand dollars.

### LABOR, COMMERCE AND INDUSTRY

The Banking and Consumer Affairs Subcommittee reported favorably on H.3764 which makes the following revisions in the laws governing Certified Public Accountants: (1) allows CPAs to accept commissions, rather than hourly fees, for certain services; (2) allows CPAs to provide services on a contingent basis; (3) eliminates the four hundred hour auditing requirement for licensure; (4) eliminates the requirement that a specified amount of the continuing education hours required of CPAs be devoted to auditing or accounting subjects; and (5) amends the form of practice for CPA partnerships or entities so as to conform with national standards for CPAs.

The Insurance Subcommittee gave a report of favorable with amendments to H.3279, the "Patient Access to Optometric Primary Eye Care Act." The bill prohibits health insurers who provide vision care benefits from penalizing or discriminating against a covered individual who seeks medical eye care or vision care directly from a primary eye care provider on the health plan benefit panel. Such insurers are prohibited from excluding either optometrists or ophthalmologists from benefit plans or extending preferential treatment to either type of practitioner within benefit plans. Such insurers must maintain in their programs a ratio of optometrists to ophthalmologists which at least equals the ratio of optometrists to ophthalmologists in the county which the insurer serves or in the state, as a whole. Insurers may not use penalties, prohibitions, incentives, or recommendations which influence a covered individual's choice of one type of provider over the other where both types of provider are qualified to render the needed service.

### MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Occupational Regulation and Licensing Boards Subcommittee gave a favorable recommendation to four bills. S.358 rewrites the practice act for optometrists to make it conform to the administrative framework established for all boards and commissions administered by LLR. S.359 rewrites the practice act for long term health care administrators to make it conform to the same administrative framework. Both S.358 and S.359 were amended by the subcommittee to correct drafting errors.

H.3563 also received the subcommittee's approval. The bill rewrites the practice act for funeral directors and embalmers to make it conform to the administrative framework established for all boards and commissions administered by LLR. Finally, the subcommittee passed out S.460, a joint resolution which approves a regulation promulgated by the Board of Pharmacy. The proposed regulation will increase the maximum licensure examination



application fee that can be charged by the Board of Pharmacy from \$250 to \$350. According to the Board, it actually costs more than \$250 per candidate to administer the examination and cover other associated administrative costs.

## WAYS AND MEANS

### Palmetto Fellows Public Hearing

**Background:** Pursuant to a Part II proviso in the 1996-97 Appropriation Act, the Commission on Higher Education (CHE) recently submitted proposed regulations to establish procedures for administration of the Palmetto Fellows Scholarship Program. The administration of the program thus far has generated many questions and concerns from parents, guidance counselors, and representatives from higher education institutions. The CHE's proposed regulation (**R.2178**) has been referred to the House Ways and Means Committee and to the Senate Education Committee. The Senate Education Committee requested on April 1 that the CHE withdraw the proposed regulation in order that more information might be gathered to address the concerns. The 120 day period has been tolled as of April 1.

The Ways and Means **Higher Education subcommittee**, in conjunction with the Senate Education Committee, held a public hearing on the Palmetto Fellows Scholarship program. Discussion was limited to criteria used by the CHE in the selection process for the 1997-98 academic year scholarships. Approximately 30 persons, including parents, guidance counselors, university representatives, and one student who did not receive a scholarship, expressed concerns and confusion about the program. Specific concerns included, but were not limited to: confusion about the purpose of the scholarship, and whether the program was set up to reward the most academically gifted students - i.e., the CHE rating sheet awards 47% of the total points to activities, a personal essay, and the counselor's recommendation, and 53% to academics; concerns about the split in awards between public and private institutions, as is provided by law (82% public, 18% private) - i.e., recommendations were that the scholarship follow the student; concerns about what many consider subjective weightings for objective criteria; concerns about the propriety of the essay as an indicator since it was not written under controlled circumstances and because of the difficulty of consistently ranking 2,600 essays by 18 reviewers; concerns about whether reviewers were adequately trained for their task, and whether the rating instrument was properly tested for validity; concerns about adequate notification and information to guidance counselors regarding the weighting of the criteria; promptness of announcing awards (application deadline in October, awards made in March - many institutions had already made their choices for institutional scholarships); concerns that the pool of applicants is too large and the criteria too broad; suggestion that the amount of the awards be reduced so that more students could be helped; concerns that rating sheets were either not available or were destroyed - suggestions that these be maintained as part of the student's records.

The Ways and Means **Property Tax subcommittee** gave a favorable recommendation with amendment(s) to the following bills:

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**S.343** - This bill provides that property being sold at auction for delinquent taxes may be sold (in addition to the currently-allowed courthouse site) at buildings owned or leased by the county where the property tax records are kept. The subcommittee recommended amending this bill to provide that the property may be sold at the courthouse or other convenient place within the county if properly designated and advertised, by legal tender payable in full by cash, cashier's check, certified check, or money order.

**H.3345** - This bill provides a property tax exemption for not more than two personal motor vehicles owned or leased by a person who is legally blind. The subcommittee recommended amending this bill to include an exemption for not more than one personal motor vehicle.

**H.3059** - This bill includes seafood processing facilities within the classification of agricultural real property for purposes of the property tax. The subcommittee recommended amending this bill to read, "Any other provision of law to the contrary notwithstanding, a dockside facility whose primary use is the landing and processing of seafood is considered agricultural real property."

The subcommittee gave a **favorable recommendation** to the following bills:

**H.3762** - provides that for purposes of equalization and assessment, a homeowners' association may designate one or any number of its qualifying tracts or parcels as homeowners' association property for purposes of special valuation.

**S.135** - provisions include that property in which the occupant has an interest pursuant to an installment contract for sale with the US Department of Veterans' Affairs, is eligible for the assessment ratio currently provided to certain legal residences, and is eligible for certain other property tax exemptions specified in the bill.

**H.3551** - provisions include amending the current method of establishing the property tax exemption; providing that the fair market value for agricultural purposes determined for the 1991 tax year is effective for all subsequent years; authorizes counties, under certain conditions, to use the procedures provided in the Setoff Debt Collection Act as the initial step in the collection of delinquent taxes on real or personal property.

**H.3553** - provides that when a trustee holds legal title to a dwelling that is the legal residence of certain beneficiaries, the dwelling may receive a homestead exemption under certain conditions and the application is effective for as long as the property meets eligibility requirements.

**H.3555** - provides for payment of county taxes by credit card

**H.3556** - amends current law relating to time limits for assessment of taxes and fees by deleting references to determination and assessment of fees due under laws administered by the Department of Revenue.

**H.3545** - repeals current law which states that if a taxpayer pays property taxes in error, or the payment is erroneously credited, the treasurer shall credit the amount paid against the actual liability of the taxpayer for the tax year in question.



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**H.3468** - provides a property tax exemption for the dwelling home and a lot owned by a SC resident who is a recipient of the Medal of Honor or who was a prisoner of war in World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

**H.3380** - requires that in a transaction involving the transfer of agricultural real property, the transferor shall provide written notice to the transferee stating that the real property is classified as "agricultural real property" for the current property tax year, and that the property is subject to rollback tax if the new owner changes the use of the property or fails to apply to retain its agricultural classification.

**H.3332** - provides that a boat on which the interest portion of any indebtedness thereon would be tax deductible under the Internal Revenue Code as an interest expense on a qualified primary or secondary residence is also deemed to be a primary or secondary residence for purposes of *ad valorem* taxation in this state and is considered real rather than personal property for these purposes.

**H.3298** - deletes the multiple lot discount provision allowed for purposes of property tax valuation when undeveloped acreage is surveyed into subdivision lots, and provides that the market value for property tax purposes of the lots and residences constructed thereon shall continue to be their value as undeveloped acreage until the lot is sold, or the residence is certified for occupancy, whichever occurs first

The **Economic Development subcommittee** recommended a **favorable report** on the following bills:

**H.3595** - amends current law concerning joint municipal water systems and sources of revenue available to them

**H.3669** - broadens the scope of law authorizing the issuance of revenue bonds of Clemson University, relating to the purpose of bonds issued for, among other things, acquiring, constructing, renovating, and equipping athletic facilities at the University

**H.3810** - provides that a parent-teacher organization affiliated with an educational institution is exempt from filing a registration statement with the Attorney General, provided none of its fund-raising activities are carried on by professional solicitors

The subcommittee gave a **favorable with amendment recommendation** to the following bills:

**H.3419** - removes the current \$3 million cap on bonds issued by trustees of SC State University and provides that the bonds may be used for acquiring, constructing, reconstructing, renovating, or equipping athletic facilities and for refunding certain previous bonds; amended recommendation of subcommittee is to cap the bond authority of the school at \$40 million.

**H.3465** - provides a pension of 50% of a state employee's compensation at the time of his death to his surviving spouse, children, or parents, when the employee dies a violent death while performing state duties; amended to clarify language in the bill.

**H.3819** - enacts the "Fee in Lieu of Tax Simplification Act of 1997," the purpose of which is to simplify the method for obtaining the fee in lieu of tax benefits while maintaining the county council approval process. Amendments recommended include (but are not limited to) a provision that counties and municipalities may use a portion of the payment in lieu of taxes revenue for certain purposes relating to infrastructure without the requirement of issuing the special source revenue bonds or meeting certain current requirements for issuing special source revenue bonds; amended requirements for inducement or lease agreements; the imposition of a penalty to pay all amounts of interest and principal which are not otherwise paid by the pledged fee revenue if the stream of payments from a fee in lieu of tax agreement becomes insufficient to completely service the payments of interest and principal due pursuant to certain debt obligations; provision for distribution of fee payments for projects not located in a multicounty park.

The **Sales and Income Tax** subcommittee gave a favorable recommendation on the following bills:

**H.3271** - relating to the imposition of a sales and use tax or tolls to finance transportation facilities projects within a county; the bill deletes the requirement that when the sales and use tax is imposed, the projects must be connected and form a single transportation system.

**H.3550** - allows the examination of records, returns, and reports held by the Department of Revenue by persons retained on an independent contract basis by the Department to collect delinquent taxes.

**H.3554** - clarifies current law concerning exemptions from sales tax on tangible personal property purchased pursuant to a contract with the federal government.

**H.3557** - eliminates the SC Accommodations Tax Oversight Committee and devolves its oversight function on the Department of Revenue.

**H.3802** - Allows the disclosure of specific information to a US Senator from South Carolina, a US Representative from South Carolina, a constitutional officer from South Carolina, or a member of the SC General Assembly in connection with a taxpayer's written inquiry for assistance to the elected official, who has then referred the taxpayer to the SC Department of Revenue for assistance.

The subcommittee recommended a favorable report with amendment for **H.3548**. This bill relates to the requirement under current law that a non-resident withholding agent, and a resident withholding agent who is not required to deposit and pay federal withholding to the Internal Revenue Service under the provisions of the Internal Revenue Code, must remit certain SC taxes withheld. Provisions in this bill include deleting the requirement that these agents "make a return" when they remit SC taxes withheld under this chapter.

The **Personnel and Benefits** subcommittee gave a favorable recommendation to **S.188**, which concerns delinquency in payments of entities participating in the state health and dental insurance plans. The bill provides for withholding of certain state funds payable to the delinquent entity in an amount to satisfy the unpaid obligation. The subcommittee gave a



favorable recommendation with amendment to **H.3498**, which provides that when both spouses are employed by state agencies and earn annual and sick leave, they may transfer such leave to their spouse subject to certain terms and conditions. The subcommittee recommended an amendment to this bill requiring the approval of both of the spouses' agency heads for the transfer of leave.

The **Revenue Policy subcommittee** gave a favorable recommendation with amendment to **H.3856**. This bill phases out the donor clause from counties that have a Local Option Sales Tax, so that after four years there will be no "minimum distribution." The subcommittee recommended amending the bill to phase-out the 5% donor clause formula, in increments of one and two-thirds percent per year beginning in 1998-99, and to amend the bill further by providing that any county adding a Local Option Sales Tax after July 1, 1997, is not subject to the donor/recipient provisions.

## BILLS INTRODUCED

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**H.3845 PROHIBITION ON IMPORTING WILDLIFE** Rep. Mullen

This bill prohibits the importation of certain species of marine life without a permit issued by the Department of Health and Environmental Control.

**H.3866 FOX PEN ENCLOSURES** Rep. Barfield

This bill limits the number of dogs allowed in a fox pen enclosure and limits movement of foxes from one pen enclosure to another.

**H.3868 RABIES VACCINE** Rep. Koon

This bill provides that it is lawful for suppliers to sell rabies vaccine and related supplies to a dog owner without a prescription.

**H.3875 SHRIMP TRAWLING LICENSES** Rep. Campsen

This bill directs the Department of Natural Resources to limit the sale of shrimp trawling licenses for a two-year period.

**H.3876 GROUNDWATER MANAGEMENT ACT** Rep. Campsen

This bill enacts the Groundwater Management Act.

**H.3907 SOUTHERN INTERSTATE DAIRY COMPACT** Rep. Sharpe

This bill provides the Governor with the authority to execute an Interstate Dairy Compact with other states.

**H.3902 STATE GAME ZONES Rep. Sharpe**

This bill revises and consolidates the State's game zones and amends several provisions of the code relating to wildlife.

**H.3928 TURTLE EXCLUDER DEVICES Rep. Seithel**

This bill requires the use of turtle excluder devices in channel nets used for taking shrimp.

**H.3939 STORM WATER MANAGEMENT Rep. Sharpe**

This bill shifts certain features of the S.C. Storm Water Management and Sediment Reduction Act to the S.C. Pollution Control Act.

**H.3942 LAND-CLEARING DEBRIS Rep. Rice**

This bill states that land-clearing debris may be placed in a landfill of two acres or less.

**H.3955 RADIOACTIVE MATERIALS Rep. J. Smith**

This bill exempts a business whose primary purpose is laundering material containing radioactive material from certain zoning ordinances if the business is regulated by the Department of Health and Environmental Control.

**H.4016 SPOTTED SEA TROUT Rep. Limehouse**

(skeleton bill)

**H.4018 DISPOSAL OF HYPODERMIC SYRINGES Rep. Mack**

This bill states that a person who uses hypodermic syringes and needles or other sharps, including lancets for home medical purposes, must dispose of these items in a leakproof, puncture proof, pressure-resistant container.

**EDUCATION AND PUBLIC WORKS**

**H.3855 INTEGRATED TEACHING APPROACHES/DRESS CODE Rep. Davenport**

This bill prescribes integrated teaching approaches for certain subjects and requires local school boards of trustees to adopt a uniform dress code for students.

**H.3860 DRIVERS' LICENSES Rep. Beck**

This bill requires the applicant for a driver's license to disclose a permanent medical condition.

**H.3869 ONE-TIME CAPITAL COST IMPACT FEE Rep. Koon**

This bill authorizes the board of trustees of a school district to impose a one-time capital cost impact fee on residences constructed or set up in the district.

**H.3884 REMEDIAL FRESHMEN Rep. Stille**

This bill prohibits remedial freshmen or remedial transfer students from attending state 4-year higher education institutions beginning with the fall term of 1998.

**H.3885 PROVISIONAL FRESHMAN Rep. Stille**

This bill prohibits provisional freshmen or provisional transfer students from attending state 4-year higher education institutions beginning with the fall term of 1998.



**H.3890 PUBLIC SCHOOL EMPLOYMENT Rep. Hinson**

This bill requires all persons applying for employment in a public school or school district to submit fingerprints for a criminal history check and a background investigation.

**H.3923 WEIGHING OF VEHICLES Rep. Rhoad**

This bill provides for certain additional weight tolerances of trucks carrying forest products.

**H.3944 ADMISSION TO FOUR YEAR INSTITUTIONS Rep. Stille**

This bill states that only half of the freshmen student applicants to State 4-year institutions who fall in the lower 50% of their public high school class may be admitted in the fall term of 1998 and no such applicant may be admitted in the fall term of 1999 and thereafter.

**H.3954 FIVE-YEAR OLDS REQUIRED TO ATTEND KINDERGARTEN Rep. Hinson**

This bill requires five-year old children to attend kindergarten.

**H.3961 DRIVING A COMMERCIAL VEHICLE Rep. Townsend**

This bill provides the manner in which a person who has been disqualified from driving a commercial vehicle for one year or more may be re-examined to obtain a commercial driver's license.

**H.3968 YORK COUNTY TRAFFIC CONTROL DEVICES Rep. Simrill**

This bill states that the York County Legislative Delegation may override a decision of the South Carolina Department of Transportation concerning the placement of electrically operated traffic-control signals in York County.

**H.3975 RACIAL COMPOSITION OF SPECIALIZED SCHOOLS Rep. Breeland**

This bill provides that the racial composition of the enrollment of certain specialized schools may not differ from the racial composition of the enrollment of the school district as a whole by more than 10%.

**H.3988 PHONICS INSTRUCTION/TEACHER CERTIFICATION Rep. Tripp**

This bill requires the use of systematic phonics instruction in the State's schools and requires the State Board of Education to revise current teacher certification standards and teacher education programs within the instructions of higher education that provide coursework in reading instruction.

**H.3989 EDUCATION RESTORATION ACT Rep. Tripp**

(skeleton bill)

**H.3998 PUBLIC TRANSPORTATION Rep. F. Smith**

(skeleton bill)

**H.4002 DEPARTMENT OF TRANSPORTATION PROJECTS Rep. Townsend**

This bill requires the Department of Transportation to submit to the House Education and Public Works Committee and the Senate Transportation Committee a report of all construction and maintenance projects under construction or proposed for the current or subsequent fiscal year.

**H.4019 SCHOOL DISTRICT SIZE** Rep. Scott  
(skeleton bill)

**H.4024 CONCERT BY MARILYN MANSON** Rep. Tripp  
This bill states that no building, property, or facility of the State, any political subdivision of the State, or any state agency or department, including any state-supported institution of higher education, shall be used for a concert or performance by Marilyn Manson.

**H.4027 MALE DISCIPLINARY PROBLEMS IN SCHOOL** Rep. Moody-Lawrence  
This joint resolution directs the Department of Education, in consultation with the Department of Mental Health, to conduct a study of disciplinary problems of the males in primary and middle schools and to submit a report on its findings to the House and Senate Education Committees by January 1, 1999.

**S.559 TRAINING/EVALUATION OF EDUCATORS** Sen. Setzler  
This bill, the companion bill to **H.3725** (Rep. Townsend) amends current law concerning training, certification, and evaluation of public educators. This comprehensive bill states an intent to assure that school districts implement a comprehensive system for assisting, developing, and evaluating teachers employed at all contract levels.

## JUDICIARY

**H.3833 SUBROGATION OR ASSIGNMENT OF RIGHTS** Rep. Hawkins  
This bill relates to the assignment or subrogation rights of the Department of Health and Human Services.

**H.3842 ADVISORY SENTENCING GUIDELINES ACT** Rep. Wilkins  
This bill enacts the South Carolina Advisory Sentencing Guidelines Act and revises several sections of the code relating to crime and imprisonment.

**H.3843 MOTOR VEHICLE REPAIR FACILITY** Rep. Bailey  
This bill requires a motor vehicle repair facility to provide a customer a written estimate and obtain consent from the customer before service or repair begins.

**H.3844 DEPARTMENT OF PUBLIC SAFETY EMPLOYEES** Rep. Bauer  
This bill provides that employees of the Department of Public Safety providing services to the Department of Juvenile Justice must be commissioned as state constables.

**H.3848 SECRETARY OF STATE'S OFFICE** Rep. Limbaugh  
This bill transfers the powers, duties, and responsibilities of the Secretary of State's office to other state agencies.

**H.3849 PRISON INMATE WAGES** Rep. Knotts  
This bill requires an amount of money representing child support obligations to be withheld from inmate wages.



**H.3851 FALSE REPORT OF ABUSE OR NEGLECT Rep. Davenport**

This bill provides that knowingly making a false report of abuse or neglect is a misdemeanor offense.

**H.3853 CHILD AUTOMOBILE SAFETY ACT Rep. Davenport**

This bill enacts the "Child Automobile Safety Act" and makes it unlawful to leave a child under the age of 12 unattended in a motor vehicle.

**H.3854 REVIEW OF REGULATIONS Rep. Davenport**

This bill authorizes the General Assembly to amend regulations.

**H.3857 INSTITUTIONAL ABUSE AND NEGLECT Rep. Felder**

This bill provides the Department of Social Services with the authority to investigate allegations of abuse and neglect occurring in certain health facilities.

**H.3861 INVALID MARRIAGE Rep. Haskins**

This bill provides that a male under the age of 16 and a female under the age of 14 are not capable of entering into a valid marriage.

**H.3862 YOUTH INDUSTRIES PROGRAM Rep. Harrison**

This bill establishes the Youth Industries Program within the Department of Juvenile Justice (D.J.J.) authorizing D.J.J. to contract with private industries to provide certain services.

**H.3863 OFFICE SPACE FOR CERTAIN COUNTY OFFICERS Rep. Witherspoon**

This bill requires the governing body of a county to provide office space, furniture, and equipment for certain county officers.

**H.3865 SOUTH CAROLINA GARNISHMENT ACT Rep. Tripp**

This bill provides the right to a writ of garnishment for a person who has recovered judgment in court against another person.

**H.3867 KAYAKING AND CANOEING LIABILITY IMMUNITY Rep. Kirsh**

This bill provides certain persons and sponsors with immunity from liability when an injury or death results from participation in kayaking or canoeing.

**H.3874 TRESPASS AGAINST REAL PROPERTY Rep. Campsen**

This bill exempts an owner or lessee of certain land from criminal and civil liability for trespass when his entry onto another's land is necessary for improvements or maintenance in certain circumstances.

**H.3881 SOUTH CAROLINA GARNISHMENT ACT Rep. Bowers**

This bill provides the right to a writ of garnishment for a person who has recovered judgment in a court against another person.

**H.3883 JURISDICTION OVER COASTAL AREAS Rep. Miller**

This bill recreates the S.C. Coastal Council and transfers all powers and duties from the Coastal Division of the Department of Health and Environmental Control to the Coastal Council.

**H.3886 CHILD SUPPORT EXPENDITURES Rep. Neilson**

This bill authorizes the family court to require a parent receiving child support to make an accounting of the expenditures made from the child support received.

**H.3888 ROLLING PAPER Rep. J. Smith**

This bill makes it unlawful to supply rolling paper to minors and makes it unlawful for minors to possess rolling paper.

**H.3891 DEED RECORDING FEE Rep. Robinson**

This bill provides when a deed recording fee is owed by the grantees and clarifies certain exemptions from the recording fee.

**H.3894 THREATS AGAINST DEPARTMENT OF REVENUE EMPLOYEE Rep. Boan**

This bill prohibits the use of force or threats of force against an officer or employee of the Department of Revenue acting in the course of employment.

**H.3905 OFFENDER REGISTRY INFORMATION Rep. Fleming**

This bill states that the information collected for the offender registry is open to public inspection.

**H.3908 SALE OF PROPERTY BECAUSE OF DELINQUENT TAXES Rep. Seithel**

This bill provides alternative sites to the county courthouse for the sale of property in instances of delinquent taxes and amends other sections of the code related to the sale.

**H.3909 RECORDING OF DEEDS Rep. Seithel**

This bill states that a limited power of attorney must be acknowledged or proven before a deed can be recorded in this State.

**H.3914 DEFINITION OF VIOLENT CRIME Rep. Seithel**

This bill includes the common law crime of assault and battery of a high and aggravated nature within the statutory definition of a violent crime.

**H.3916 MARINE PRODUCTS Rep. Seithel**

This bill prohibits the purchase, barter, or trade of unlawfully taken marine products.

**H.3917 SHARES OF A PUBLIC CORPORATION Rep. Klauber**

This bill states that public corporations may include restrictions or conditions that limit the transfer or receipt of rights, options, or warrants by the owner of a number or percentage of the outstanding voting shares of the public corporation.

**H.3918 IDENTITY EXEMPTION UNDER FOI ACT Rep. Klauber**

This bill exempts from the State's Freedom of Information law the identity of an individual who makes a good faith complaint alleging a violation of law or a violation of a regulation to a state regulatory agency.

**H.3920 DISMISSAL OF LOST TRUST INDICTMENTS Rep. Kennedy**

This joint resolution provides that former members of the General Assembly whose "Lost Trust" indictments were dismissed are deemed to have continuous service in the General



Assembly for the purposes of compensation and benefits through the effective date of the joint resolution.

**H.3925 LOBBYIST NAME TAG Rep. Young**

This bill requires a lobbyist to wear a name tag identifying who he represents while in the lobby.

**H.3927 LIVE ANIMAL AS A PRIZE Rep. Seithel**

This bill makes it unlawful to give away a live animal as a prize in a contest or game.

**H.3929 PROBATION, PAROLE AND PARDON SERVICES Rep. Leach**

This bill provides that the members of the Board of Probation, Parole and Pardon Services serve at the will of the Governor.

**H.3933 FAMILY COURT JUDGES Rep. Cave**

This bill provides that at least one family court judge must be a resident of one of the three counties with the smallest population in a circuit that is made up of five counties, with the requirement not applying to incumbents seeking reelection.

**H.3934 INITIATIVE PETITION ACT Rep. Davenport**

This bill provides for the enactment of laws and constitutional amendments by initiative petition.

**H.3936 APPORTIONMENT OF PROPERTY Rep. Davenport**

This bill provides for the apportionment of business and residential property during marriage.

**H.3938 CONTROLLED SUBSTANCES Rep. Limehouse**

This bill provides that it is unlawful to administer, distribute, dispense, or deliver a controlled substance to an individual with the intent to commit certain crimes.

**H.3940 TRUTH IN MILITARY CONFINEMENT ACT Rep. Klauber**

This bill states that no early releases may be granted to military personnel serving confinement pursuant to a special, general, or summary court martial.

**H.3956 PUBLIC HOSPITAL ACCOUNTABILITY ACT Rep. Loftis**

This bill prohibits the transfer of a public hospital's assets unless certain disclosure requirements are met and a majority of the electors in the home county of the hospital approve the transfer.

**H.3962 REGULATION OF VIDEO GAMES Rep. Edge**

This bill allows counties and municipalities to regulate video games with a free play feature and to impose local license fees on games with a free play feature.

**H.3963 CIRCUIT COURT JURY LISTS Rep. D. Smith**

This bill provides that circuit court jury lists must be prepared from the names of registered voters.

**H.3964 EFFECT OF A PARDON Rep. D. Smith**

This bill provides that a person who has been pardoned of a conviction must have his criminal record destroyed.

**H.3965 COMMUNITY SUPERVISION Rep. D. Smith**

This bill provides a system of community supervision, relates to the Department of Correction's funding of alcohol and drug rehabilitation centers, and provides for research into programs that would improve rehabilitative services.

**H.3967 FAILURE TO STOP FOR LAW ENFORCEMENT Rep. Simrill**

This bill provides for the forfeiture of a motor vehicle upon a conviction for wilful failure to stop when signaled by a law enforcement vehicle.

**H.3971 AMENDMENTS TO THE PROBATE CODE Rep. Campsen**

This bill amends several sections of the South Carolina Probate Code.

**H.3972 FOSTER CARE PLACEMENTS Rep. Campsen**

This bill prohibits foster care placements with a person who is the parent or guardian of or in loco parentis to a child who has been adjudicated delinquent for the commission of any crime or for a status offense.

**H.3973 SERVING AS A FOSTER PARENT Rep. Campsen**

This bill states that no person who is acting as a parent, guardian, or who stands in loco parentis may serve as a foster parent if the person has a child under the jurisdiction of the Department of Juvenile Justice.

**H.3974 PLACING A MINOR IN A FOSTER HOME Rep. Campsen**

This bill states that no minor may be placed in a foster home if the minor has been convicted of a sex offense, unless the placement is in a therapeutic foster home, no other minors are in the home, and no other minors will be placed in the home.

**H.3979 GUARDIAN AD LITEM MANUAL Rep. Neilson**

This joint resolution directs the S.C. Court Administration to develop a Guidelines and Procedures Manual for use by court-appointed guardians ad litem.

**H.3980 FAMILY COURT ORDERS Rep. Neilson**

This bill requires family court judges to write their own orders.

**H.3981 CHILD CUSTODY DISPUTES Rep. Neilson**

This bill provides that the best interests of the child is the guiding principle in resolving child custody disputes and visitation disputes.

**H.3984 GUARDIAN AD LITEM LIABILITY Rep. Miller**

This bill expands the immunity from liability for guardians ad litem to include all acts performed within the scope of the appointment.



**H.3986 MUNICIPAL INCORPORATION Rep. Seithel**

This bill requires an area seeking to be incorporated by a municipality to be contiguous and provides when an area is deemed to be contiguous.

**H.3987 UNDER THE INFLUENCE OF ALCOHOL/SEAT BELTS Rep. Seithel**

This bill states that after July 1, 1998, it must be inferred that a person is under the influence of alcohol if the person's blood alcohol content is .08. The bill also requires the wearing of helmets when riding a two-wheeled motorized vehicle and allows a law enforcement officer to stop a vehicle and issue a citation for failure to wear a seat belt.

**H.3990 SELLING ALCOHOL OVER THE INTERNET Rep. Limehouse**

(skeleton bill)

**H.3993 TERM LIMITS Rep. Tripp**

This bill provides for certain information to be printed on ballots in relation to support or nonsupport of term limits for federal legislators and provides for a term limits pledge.

**H.3994 BREAST FEEDING IN PUBLIC Rep. Limehouse**

This bill states that a woman has a right to breast feed her child in public without harassment, and breast feeding in public may not be considered indecent exposure.

**H.3996 GENERAL ASSEMBLY MEETINGS Rep. Whipper**

This bill states that the General Assembly shall meet on Wednesday, Thursday, and Friday of each week in statewide session.

**H.3999 PUBLIC RECORDS Rep. Wilkins**

This bill makes substantive changes in the State's Freedom of Information Act.

**H.4000 STATE-RUN LOTTERY Rep. Govan**

This bill states that a statewide nonbinding referendum must be held on November 4, 1997, to ascertain as to whether or not there should be a statewide lottery for the purpose of raising funds for public education.

**H.4001 CAUSES OF ACTION IN MAGISTRATE COURT Rep. Whipper**

This bill states that an action seeking damages of \$5,000.00 or less must be filed in magistrate court and contains other provisions related to limitations on liability.

**H.4003 CHILD UNATTENDED IN A CAR Rep. F. Smith**

This bill states that it is unlawful to have a child under the age of ten unattended in a motor vehicle in which the motor is running.

**H.4006 LOTTERY FOR CHARITY Rep. Mason**

This bill states that a person or organization which conducts a lottery, bingo, raffles, and other similar activities to raise money for charitable purposes may not be prosecuted under the provisions of the State's gambling and lottery laws.

**H.4010 PRAYER AT PUBLIC ACTIVITIES Rep. Bowers**

This bill seeks to reaffirm that prayer is permissible at all public activities and events.

**H.4022 OUT OF COURT STATEMENTS BY CHILDREN** Rep. Jennings

This bill states that an out-of-court statement made by a child who functions cognitively, adaptively, or developmentally under the age of twelve at the time of the family court proceeding concerning an act of abuse or neglect that is not otherwise admissible in evidence is admissible in the family court proceeding if certain requirements are met.

**H.4023 PUBLIC NUDITY** Rep. Campsen  
(skeleton bill)

**S.315 WITNESSES AT AN EXECUTION** Sen. Thomas

This bill revises the number of persons who may witness an execution. In addition to the executioner and necessary staff, the following persons may be present: two representatives of the family of a victim for whom a death penalty was imposed; the solicitor, or an assistant solicitor designated by the solicitor, for the county where the offense occurred; and a group of not more than five representatives of the South Carolina media. The counsel for the convict and a minister of the gospel also may be present.

**LABOR, COMMERCE AND INDUSTRY**

**H.3852 STATE SAVINGS BANK** Rep. Wilkins

This bill authorizes the creation of a State Savings Bank and provides for its lending authority and procedures.

**H.3887 DRUG AND ALCOHOL TESTING** Rep. Neilson

This bill authorizes drug and alcohol testing of prospective state employees.

**H.3889 EMERGENCY SERVICES ACT** Rep. Kelly

This bill provides that prospective authorization for treatment in an emergency medical facility is not required if the attending physician determines that treatment is needed to stabilize the condition.

**H.3896 INSURANCE COMPANY REGULATION** Rep. Kirsh

This bill is designed to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations.

**H.3897 RIGHTS AGAINST THE REINSURER** Rep. Kirsh

This bill states that the original insured shall not have any rights against the reinsurer which are not specifically set forth in the reinsurance contract or other agreement.

**H.3898 REDUCTION FROM LIABILITY FOR REINSURANCE** Rep. Kirsh

This bill provides that an asset or a reduction in liability from the reinsurance ceded by a domestic insurer to an assuming insurer must be allowed in certain situations.

**H.3899 RESTRICTIONS AGAINST COUNTERCLAIMS** Rep. Kirsh

This bill deletes the restrictions against counterclaims and deletes the provision that no setoff is allowed in favor of certain persons.



**H.3900 PRIORITY OF DISTRIBUTION Rep. Kirsh**

This bill reorders the priority of distribution of claims from an insurer's estate and provides for a new class covering the claims of insurers and reinsurer.

**H.3906 UNINSURED MOTORIST FUND Rep. Fleming**

This bill provides for the establishment of an uninsured motorist fund and amends several sections of the code related to automobile insurance.

**H.3910 MOTOR VEHICLE REPAIR Rep. Seithel**

This bill prohibits a person repairing motor vehicles from withholding information as to whether the repairs were made with old or new parts.

**H.3915 COPYING MEDICAL RECORDS Rep. Seithel**

This bill provides that a searching and handling fee may be charged once only when a patient is gathering information in connection with a claim or legal dispute.

**H.3922 REGISTRATION OF PROFESSIONAL ENGINEER Rep. Fleming**

This bill provides the qualifications needed for registration as a Category A professional engineer.

**H.3924 STATEWIDE CERTIFICATION Rep. Bailey**

(skeleton bill)

**H.3926 INSURANCE AGENTS Rep. Koon**

This bill exempts certain insurance agents from compliance with the continuing education requirements.

**H.3930 SECOND INJURY FUND Rep. Kirsh**

This bill states that the Second Injury Fund shall operate under the Department of Insurance.

**H.3945 DRUG PREVENTION PROGRAM Rep. Young-Brickell**

This bill relates to the merit rating system for worker's compensation insurance and requires the inclusion of a credit for an insured who participates in a program designed to prevent the use of drugs on the job.

**H.3949 CERTIFIED PUBLIC ACCOUNTANT LICENSE RENEWAL Rep. Bowers**

This bill grants an extension to a certified public accountant who is out of the country on the date the his professional license is due to be renewed.

**H.3952 UNEMPLOYMENT INSURANCE ASSESSMENT Rep. Bowers**

(skeleton bill)

**H.3953 WORKER'S COMPENSATION INSURANCE ASSESSMENT Rep. Bowers**

(skeleton bill)

**H.3958 PROPERTY, CASUALTY, AND INLAND MARINE INSURANCE Rep. Cato**

(skeleton bill)

**H.3959 REINSURANCE FACILITY Rep. Cato**

This bill states that, beginning April 30, 1998, the Board of Governors of the South Carolina Reinsurance Facility annually must file a pure loss component for private passenger automobile liability insurance.

**H.3960 INSURANCE PREMIUM FINANCE COMPANY Rep. Cato**

This bill states that an insurer doing business in this State may not require a person to use a particular insurance premium finance company or other installment plan for which a finance charge or other fee in connection with an installment payment has been or will be imposed.

**H.3966 UNDERGROUND UTILITY Rep. Trotter**

This bill makes technical changes in the Underground Utility Damage Prevention Act and revises the notice of intent to excavate or demolish that must be served.

**H.4009 MORTGAGE GUARANTY INSURANCE Rep. Govan**

(skeleton bill)

**S.203 PASSENGER VANS Sen. Giese**

This bill provides that passenger vans owned or operated by local chapters of the National Federation of the Blind of S.C. must be insured for certain minimum automobile insurance coverages.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3847 MINIMUM ACREAGE FOR A CEMETERY Rep. Meacham**

This bill provides an exception to the minimum acreage required for a cemetery when the governing body of a municipality in which the cemetery is to be located passes an ordinance authorizing a cemetery with less than thirty acres of land.

**H.3935 HOSPITAL RATE COMMISSION Rep. Davenport**

(skeleton bill)

**H.3947 USE OF MEDICAL INFORMATION Rep. McMahan**

This bill prohibits the use of medical information for commercial purposes without the consent of the patient.

**H.3950 HEALTH AWARENESS PROGRAM Rep. Bowers**

This bill requires the Department of Health and Environmental Control to develop health awareness programs for public schools.

**H.3983 EXAMINER'S REPORT Rep. D. Smith**

This bill relates to the determination of a person's capacity to stand trial and provides that the prosecutor may designate a third examiner for certain examinations.

**H.3985 OMNIBUS HEALTH BENEFITS AND EDUCATION ACT Rep. Seithel**

This bill, the Omnibus Health Benefits and Education Act, requires direct access to certain health care services and minimum stays of hospitalization for certain services.



**H.3997 FACILITIES FOR CHEMICALLY DEPENDENT PERSONS** Rep. F. Smith  
(skeleton bill)

**H.4013 COUNTYWIDE TOLL FREE CALLING** Rep. Bowers  
This bill states that the Public Service Commission shall require countywide toll free calling to be provided by all telephone utilities operating within a county by December 31, 1997.

**H.4017 CLAIMANT AGENCY** Rep. Stille  
(skeleton bill)

**H.4025 RALLY FOR RECREATIONAL VEHICLES** Rep. Kelley  
This bill provides for the manner in which and conditions under which a rally for recreational vehicles may be held.

## WAYS AND MEANS

**H.3832 SC RETIREMENT SYSTEM SERVICE CREDIT** Rep. Walker  
This bill provides that, insofar as credits which may be established under the S.C. Retirement System are concerned, military service includes up to two years of enlistment in the senior or advanced Reserve Officer Training Corps if the member was compensated for this service and was commissioned as a result of this service.

**H.3834 REAL PROPERTY SOLD FOR DELINQUENT TAXES** Rep. Harrell  
This bill provides that, insofar as redemption of real property sold for delinquent taxes is concerned, the applicable rate of interest due on the tax sale bid is calculated without proration (on the whole amount of the delinquent tax sale bid calculated from the date of the sale to the date of redemption). The bill also corrects a reference in current law to the applicable rate of interest.

**H.3846 SALES TAX ON LIVESTOCK TRAILERS** Rep. Sharpe  
This bill establishes a \$300.00 cap on the sales tax imposed on the sale of livestock trailers.

**H.3850 TAXES AND SURCHARGES** Rep. Robinson  
This bill amends several sections of the code relating to, among other items, tax returns, the licensing of gaming machines, sales and use tax exemptions, and private car rental surcharges.

**H.3856 LOCAL OPTION SALES TAX** Rep. H. Brown  
This bill deletes reference to "minimum distribution" in connection with the local option sales and use tax and authorizes the Department of Revenue to distribute unidentified funds to participating counties.

**H.3859 LIMITED LIABILITY COMPANIES** Rep. Robinson  
This bill excludes single-member liability companies and grantor trusts from all state tax liability in certain circumstances and amends other sections of the code related to limited liability companies.

**H.3871 EXEMPTIONS FOR AD VALOREM TAXATION** Rep. Stuart  
This bill exempts property owned by a county fair association from ad valorem taxation.

**H.3872 TAX CREDIT FOR TUITION Rep. Bowers**

This bill allows a resident individual taxpayer a tax credit of up to \$500.00 a student for tuition and fees paid to a public or private institution of higher learning in this state.

**H.3873 SOUTH CAROLINA GAMING AND ECONOMIC DEVELOPMENT ACT Rep. Scott**

This bill enacts the S.C. Gaming and Economic Development Act which provides, among other things, for the manner in which certain dockside gaming activities may be conducted in this State.

**H.3877 TAX CREDIT FOR TUITION Rep. Campsen**

This bill allows a tax credit up to \$800.00 against state income tax liability for a resident who pays tuition on behalf of a dependent.

**H.3878 INCOME TAX CREDIT FOR CERTAIN NEW BUSINESSES Rep. Bowers**

This bill allows an income tax credit for certain new businesses in this State for social security taxes paid on an employee's wages.

**H.3879 PROPERTY TAX EXEMPTIONS Rep. Bowers**

This bill grants a property tax exemption to certain new businesses in this State.

**H.3880 UNIFORM FEE FOR PERSONAL PASSENGER MOTOR VEHICLES Rep. Bowers**

This bill replaces the property tax on personal passenger motor vehicles with a uniform fee.

**H.3882 INCOME TAX DEDUCTIONS Rep. Davenport**

This bill allows a tax deduction for the amount of gain not exceeding \$500,000.00 reported on the taxpayer's federal income tax return attributable to the sale of real property used in the taxpayer's trade or business when the proceeds are invested in certain ways.

**H.3893 S.C. DEVELOPMENTAL FEE IMPACT ACT Rep. Harrison**

This bill deals with local government planning and establishes procedures for adopting a capital improvements plan and for passing an ordinance imposing development impact fees.

**H.3903 MATERNITY LEAVE Rep. Gamble**

This bill deletes the requirement that an employee must not be absent from work for more than 2 years for each pregnancy in order to establish service credit in the State retirement system for maternity leave.

**H.3904 ASSESSMENT RATIO FOR NEW CLASS OF PROPERTY Rep. Fleming**

This bill establishes a separate class for certain property required to be titled by a state or federal agency and provides the assessment ratio for this new class of property.

**H.3911 RESIDENTIAL PROPERTY CLASSIFICATION Rep. Seithel**

This bill provides for the assessment ratio of a residence under a contract of sale, for which part of the purchase price has been paid and possession taken.



**H.3912 DRUG AWARENESS RESISTANCE EDUCATION FUND Rep. Quinn**

This bill establishes the Drug Awareness Resistance Education Fund and provides for a designation on State income tax forms for a contribution to be made to the fund.

**H.3913 EQUITY INVESTMENT SAFEGUARDS ACT Rep Haskins**

This bill concerns the investment of funds of the state retirement systems in equity securities.

**H.3919 USE OF INCOME TAX CREDITS Rep. Harrell**

This bill allows a taxpayer who operates a qualifying distribution facility to use income tax credits against other state tax liabilities other than property tax.

**H.3921 RECOVERY FROM ESTATES FOR MEDICAL ASSISTANCE Rep. Felder**

This bill establishes conditions for undue hardship under which recovery from estates for medical assistance must be waived.

**H.3932 TELECOMMUNICATIONS SERVICE Rep. Wilkins**

This bill relates to the imposition of a 5% sales and use tax on local telecommunications services, cable television subscriber services, and paging services.

**H.3937 DIGITAL ARTS SCHOLARSHIPS Rep. Limehouse**

This bill enacts the Digital Arts Scholarships Program to provide tuition assistance for students enrolled in digital animation programs at in-state higher education institutions.

**H.3941 CHILDHOOD DEVELOPMENT PROGRAMS Rep. Davenport**

This bill revises the provisions of the Early Childhood Development and Academic Assistance Act and revises the spending priorities under the Education Finance Act.

**H.3948 ASSESSMENT OF CERTAIN MOTOR VEHICLES Rep. Bowers**

This bill provides that private passenger motor vehicles used for noncommercial purposes must be taxed on an assessment equal to 6% of fair market value.

**H.3951 STATE INCOME TAX RETURNS Rep. Bowers**

This bill states that the due date for filing state individual income tax returns in 1998 shall be the same day and month in the previous year when the Department of Revenue has calculated the average South Carolinian stopped working to pay taxes at all levels and began working completely for his own benefit.

**H.3969 ASSESSMENT RATIO ON A LEGAL RESIDENCE Rep. Cotty**

This joint resolution proposes an amendment to the State constitution providing for an assessment ratio of 4% of fair market value on a second residence meeting certain requirements.

**H.3970 LICENSE TAX ON COIN-OPERATED MACHINES Rep. J. Smith**

This bill states that certain coin-push type machines are subject to a license tax of \$200.00 per machine.

**H.3976 TAX ON CATALOG SALES Rep. Hamilton**

This bill relates to the filing of a return for the tax on catalog sales when the tax liability is in excess of \$50.00 for a single sale.

**H.3977 RENTAL-OCCUPIED PROPERTY Rep. Bowers**

This bill provides that residential property which a rental-occupant occupies as his principle residence qualifies for the 4% assessment ratio.

**H.3978 MULTI-UNIT RESIDENTIAL PROPERTY Rep. Bowers**

This bill provides that multi-unit residential property with 4 units or less shall be taxed at the 4% assessment ratio.

**H.3982 TARGETED JOBS TAX CREDIT Rep. Battle**

This bill defines "new job" to include otherwise qualifying jobs filled by leased employees for purposes of the targeted jobs tax credit.

**H.3991 CAPITAL RESERVE FUND Rep. Easterday**

This joint resolution eliminates "other nonrecurring purposes" from the purposes for which monies from the capital reserve fund may be appropriated by the General Assembly.

**H.3992 VALUATION OF MOTOR VEHICLES Rep. Fleming**

This bill provides that a vehicles which has qualified for a reduced value because of high mileage will continue to receive the high mileage deduction without a new application.

**H.3995 EXEMPTION FROM BLUE LAWS Rep. Lanford**

This bill lowers the exemption threshold from \$900,000 to \$450,000 for the exemption of a county from the Sunday closing laws based on accommodations tax revenues in the county.

**H.4004 OVERTIME PAYMENTS Rep. Knotts**

This bill states that, effective no later than July 1, 1997, overtime pay for agents and other employees of the South Carolina Law Enforcement Division may not be calculated according to the fluctuating workweek method of overtime payments.

**H.4005 GOVERNMENT SERVICE FEES AND CHARGES Rep. H. Brown**

This bill provides for the collection of government service fees and charges imposed by counties by means of liens on the affected real property.

**H.4007 PATRIOT'S POINT DEVELOPMENT AUTHORITY Rep. Harrell**

(skeleton bill)

**H.4008 BONDED INDEBTEDNESS OF SCHOOL DISTRICTS Rep. Harrell**

(skeleton bill)

**H.4012 STATE RETIREMENT SYSTEM/EQUITY SECURITIES Rep. Bowers**

(skeleton bill)

**H.4014 IMPACT OF LEGISLATION ON STATE'S CITIZENS Rep. Bowers**

This bill requires the State Budget and Control Board to prepare for every bill and resolution



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introduced in the Senate and the House of Representatives a statement of the legislation's impact upon the citizens of South Carolina.

**H.4015 TAXPAYER DISCOUNT** Rep. Cromer  
(skeleton bill)

**H.4021 MAXIMUM AMOUNT OF STATE INSTITUTION BONDS** Rep. Boan  
(skeleton bill)

**H.4026 CONSOLIDATED PROCUREMENT CODE** Rep. H. Brown  
This comprehensive bill revises the South Carolina Consolidated Procurement Code.

**S.264 PROPERTY TAX ROLLBACK REIMBURSEMENT** Sen. Lander  
This bill provides that the State Treasurer must reimburse taxing districts for 90% of the revenue lost as a result of the residential property tax rollback within 5 working days of the local taxing district's request.

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**FOOTNOTE**

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page ([WWW.LPITR.STATE.SC.US](http://WWW.LPITR.STATE.SC.US)) and click on the "Quick Find Guide." On the next screen, click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.